

SENATE BILL 838

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 5, to enact the "Fair and Clear Teacher Evaluation System Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Fair and Clear Teacher Evaluation System Act".

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d), is amended by adding the following language as a new subdivision (3) and by renumbering the subsequent subdivisions accordingly:

(3) The teacher evaluation system shall:

(A) Evaluate teachers based on their own work as teachers and the success of their students. A teacher's evaluation shall not be based on test scores or other data derived from students in subjects, classes or grades in which the teacher did not teach or have input of any sort;

(B) Be easily understood and transparent to teachers and shall provide consistent and valid measurements;

(C) Use a pre-test and post-test system that accurately gauges student learning. Students who are not present at the beginning of a year or semester to take the pre-test, as applicable to the teacher's class, shall not be included in the teacher's evaluation. The observation portion of the evaluation shall be increased and given increased weight if pre-test and post-test data is absolutely unavailable;

(D) Not use school-wide data if classroom data is available for use;

(E) Allow, notwithstanding subdivision (d)(2)(A), teachers and schools to choose whether to use unaltered test scores or TVAAS data for the fifty percent (50%) of the evaluation criteria comprised of student achievement data. The decision as to whether to use unaltered test scores or TVAAS data shall be made collaboratively. The final decision shall be made by teachers for their own evaluations and principals for the evaluations of their schools.

(F) Notwithstanding subdivision (d)(2)(A), reduce the percentage of student growth data used in determining a teacher's overall evaluation scores, if the teacher achieves a performance effectiveness level of "above expectations" or "significantly above expectations" on the observation portion of the evaluation, but the teacher's student growth data portion of the evaluation reflects a performance effectiveness level of "below expectations" or "significantly below expectations"; and

(G) Minimize paperwork, reporting and testing in order to increase instructional time.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.